

Historic Landmarks Commission  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

**RECEIVED**

JUN 29 2007

**CITY OF SAN JOSE  
DEVELOPMENT SERVICES**

June 29, 2007

Planning Commission, City of San Jose  
Department of City Planning, Building and Code Enforcement  
200 East Santa Clara Street  
Tower – 3<sup>rd</sup> Floor  
San Jose, CA 95113

RE: Coyote Valley Specific Plan Draft EIR

Planning Commission;

The Historic Landmarks Commission (HLC) has appreciated the opportunity to review and comment on the historic resources portions of the Coyote Valley Specific Plan (CVSP) DEIR. This Commission has concluded, however, that the DEIR: does not adequately address the significance of identified historic resources located within the project area; acknowledges that not all historic resources have necessarily been located; and does not adequately identify possible mitigations.

The DEIR has identified 34 historic architectural resources within the CVSP Development area. Five of these buildings and structures have been determined to be potentially eligible for the National/California Registers and one resource complex has been evaluated as a potential historic district (the Coyote Depot Complex in the Hamlet of Coyote). Three additional resources have been identified as being potentially eligible for the California Register and seven resources are potential San Jose City Landmarks. The remaining resources, at a minimum, apparently qualify for inclusion in the City's Historic Inventory.

The DEIR description of the project assumes that all of the buildings and structures will be preserved and will remain at their current locations and, therefore, the DEIR finds that there are no significant project impacts on these resources. The DEIR does, however, go on to include some potential mitigation measures in the event that one or more structures cannot ultimately be preserved.

In the opinion of this Commission, the DEIR improperly claims that sufficient procedures are in place to reduce potential impacts on historic resources to a less than significant level. The current version of the CVSP does not appear to adequately support the integrity and survival of the historic resources located within the CVSP project area. The HLC strongly urges that revisions addressing our particular concerns, detailed below, be made prior to EIR certification.

**Adequate Evaluation of Historic Resources/Timing of Historic Surveys**

The DEIR does identify 34 buildings and structures with potential historic significance and makes some initial estimates of their historic significance, concluding that 15 of them qualify for landmark status at the local, State and/or National level. The DEIR also acknowledges that definitive historic survey work required to locate all possible historic resources, beyond the 34, and to reliably determine the significance of all 34 known structures has not been completed. On Page 102 of Appendix F, the report states *"The identification effort is not complete for the Development Area due to property access. In addition, the majority of known resources do not appear to have been formally evaluated and reviewed for inclusion on national, state and local inventories (e.g., determined eligible or ineligible for inclusion on California and/or National Register)."*

For the DEIR to conclude that negative impacts on historic resources simply will not occur, or will not be significant, it is necessary that the CVSP provide for adequate preservation and incorporation of these resources into the new Coyote Valley community. Therefore it is imperative that the significance of these structures be determined and published at the earliest opportunity, not merely *"prior to the issuance of development permits or contracts for construction"* as stated in the DEIR. Leaving the evaluation of historic resources to the development permit stage leads to confusion, development delays, lawsuits and potential loss of important historical assets. There are many examples of the latter within the City of San Jose.

This Commission has a particular concern with the adequacy of the historic documentation used to find that the three bridges, circa 1931 to 1948, are not eligible for landmark status. These bridges were last surveyed by Caltrans in 1987, as described on page 224 of the DEIR, and found to be "Category 5, not eligible". These bridges merit an updated survey to determine their historic significance using 2007 criteria.

In addition, this Commission believes that the level of attention given to mitigating impacts on potentially historic trees, particularly the Keesling walnuts, is not adequate. At a minimum, trees also should be surveyed as early as is practical and then all available methods for preserving them considered before decisions are made to remove them.

**Before the DEIR is certified as adequate and complete, the HLC strongly advises that, either:**

- **Historical surveys be completed before EIR certification to provide complete disclosure of the number and significance of historic properties, or**
- **Where survey work is not possible in the time frame of the EIR preparation and certification, that the following mitigation measure be added to the EIR and the CVSP: For CVSP properties with known or potential historic resources that have not been the subject of a definitive historic evaluation, any application for development entitlements must be accompanied by a completed historic survey.**

This mitigation measure would differ from current practice in that historic work would need to be completed before any application is made or accepted thus disclosing historic conditions for both the applicant and the City from the very beginning of the project review process.

**In addition, this Commission requests that the following work either be completed before certification of the EIR or that the following statements be added as a mitigation measures:**

- **Updated historic surveys of the three identified bridges will be completed before any private or public development decisions affecting their survival are made, particularly road improvement decisions.**
- **Potentially historic trees should be surveyed before any public or private projects, which might adversely affect them, are considered. Reasonable methods of preserving those found to have significant historic significance should be carefully considered and incorporated into project plans, if possible, before projects are approved.**

#### **Relocation of Historic Structures**

The DEIR identifies relocation of historic structures as a potential "significant" impact but also identifies relocation as a potential mitigation measure, which can reduce the historic impact to "less than significant" if the relocation is appropriate. The Historic Landmarks Commission is concerned that this apparently inconsistent language is confusing and could lead to loss of historic structures if it is not made clear.

In Impact CR-3, on page 231, the DEIR states *“Historical settings and context are very important factors for determining the eligibility of historic structures for the Registers. Any impacts to these buildings’ integrity that could affect their eligibility would be a significant impact.”*

In Impact CR-4, on page 232, the DEIR states *“The proposed project could result in significant indirect impacts to historic structures either by constructing new uses in proximity to these resources, construction impacts to these resources, or by the relocation of these resources to areas that could adversely affect their eligibility for the National and/or the California Registers. These would be significant impacts.”*

On page 235, the DEIR lists mitigation measures that will *“reduce impacts to less than significant level.”* However, in the second bullet in the Mitigation Measures section, also on page 235, MM CR-3.2 and 4.2, the DEIR states *“If retention in the original location is not possible, move or restore and adaptively reuse eligible buildings in the CVSP Development Area to a different location within current parcel or a parcel appropriate to its historic character.”*

The setting is often a contributing factor (as noted in some of the CVSP DPR’s) in the determination of a historic resource’s significance. Aside from the impact to their register eligibility, historic structures that have significance because of a tie to agriculture and farming do not belong in the Hamlet, which represents more of a commercial service center. Any structure that is eligible for the National and California Registers or for San Jose City Landmark status should not be relocated except in complete compliance with the Secretary of the Interiors Guidelines for relocations.

**The EIR should clearly and prominently spell out the criteria for when and how a CEQA level historic structure can be relocated without significantly impacting its historic value, directly addressing the kinds of structures and contexts found in Coyote Valley.**

#### **Clear Identification of Historic Resources in the CVSP**

This Commission is extremely concerned that however well the EIR might address issues and mitigations regarding historic resources, that this document will not be sufficiently consulted by developers, consultants or others considering the development potential of these properties. They might easily make development assumptions without noticing the presence of historic resources or understanding the issues involved. That initial failure to notice has been the cause of the loss of many historic buildings in San Jose over the years, as well as the cause of substantially longer permit processing times and greater development costs.

**The Historic Landmarks Commission advises that the EIR identify graphic representation of historic resources on all major CVSP maps and exhibits as an additional practical mitigation measure.** The detail inherent in a specific plan provides an excellent opportunity to identify historic resources prominently, for example with a symbol defined in the legend. This designation would clearly identify historic properties and convey the City’s commitment to the protection of historic resources as a high priority.

#### **Timing of Architectural Treatment Program Plan (ATPP)**

Also on page 235, MM CR-3.2 and 4.2, the DEIR proposes the development of a comprehensive Architectural Treatment Program Plan (ATPP) as another layer of mitigation. The Historic Landmarks Commission concurs that the development of this plan can be a critical factor in the preservation of the CVSP’s historic structures, but suggests that the effectiveness of the ATPP be maximized by requiring that it be completed before any projects are approved.

The DEIR states that the ATPP will be developed *“after review and confirmation that historically significant buildings are present within the CVSP Development Area by the City of San Jose Historic Preservation Officer”*. Page 224 of the DEIR states *“There are 34 historic architectural*

*resources identified within the CVSP Development area...Five of these resources have been determined to be potentially eligible for the National/California Registers and one resource complex has been evaluated as a potential historic district (the Coyote Depot Complex in the Hamlet of Coyote.) Three additional resources have been identified as being potentially eligible for the California Register; however they do not meet the more stringent National Register requirements."... "At the local level, seven resources in the CVSP Development Area are potential San Jose City Landmarks."*

Since confirmation already exists that historically significant buildings are present in the CVSP development area, there is no reason to substantially delay initiation of this planning effort. **This Commission advises that the ATPP mitigation measure in the EIR be enhanced by adding a requirement for early development of the ATPP. The ATPP should be completed before any discretionary permits are approved for CVSP properties containing historic resources.**

The Historic Landmarks Commission urgently advises that satisfactory revisions to the Coyote Valley Specific Plan Draft EIR, as discussed above, should be made before the DEIR can be certified as an adequate and complete EIR. Again, thank you for the opportunity to comment on this document.

Sincerely,

A handwritten signature in black ink, reading "Patricia Colombe", followed by a horizontal line.

Patricia Colombe, Vice-Chair  
Historic Landmarks Commission